

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DR. MANHUA MANDY LIN,</b>	:	
	:	
<b>Plaintiff,</b>	:	
v.	:	<b>CIVIL ACTION NO. 02-CV-3612</b>
	:	
<b>ROHM AND HAAS COMPANY,</b>	:	
	:	
<b>Defendant.</b>	:	

**DEFENDANT'S UNOPPOSED MOTION TO  
REMOVE CASE FROM TRIAL POOL LISTING**

Defendant Rohm and Haas Company hereby moves to remove this case from a trial pool listing until disposition of the pending summary judgment motion. In support of this motion, defendant states as follows:

1. Under the current Scheduling Order, the case is to be placed in the trial pool on September 2, 2003.
2. On August 21, 2003, defendant filed a comprehensive motion for summary judgment with regard to all nine counts in the Amended Complaint. Based on plaintiff's counsel's vacation schedule, plaintiff has requested (without opposition from defendant) until September 15, 2003 to respond to the motion for summary judgment. A removal from the trial pool listing will allow for a full and fair consideration to be given to the motion for summary judgment and the arguments related thereto.
3. Resolution of the summary judgment motion will significantly affect trial preparation. The scope of trial witness lists and the exhibits to be used at trial are tied directly to the resolution of the summary judgment motion. Should the motion be granted in whole or in

part, inconvenience to witnesses and their respective schedules will be avoided. Defendant has already expended significant litigation costs to-date in this case and respectfully requests the ability to avoid the litigation costs associated with trial preparation in the event that its summary judgment motion is granted. As a matter of litigation efficiency and fairness for the parties, this motion to remove the case from a trial pool listing should be granted.

4. The parties have proceeded diligently in this case and have proceeded from the February 27, 2003 date of the initial Scheduling Order through discovery and to defendant's filing of a comprehensive motion for summary judgment in less than six months. The removal of this case from a trial pool listing until disposition of the summary judgment motion will not cause an undue delay in the ultimate resolution of this case.

5. A removal from the trial pool listing until disposition of the summary judgment motion is not uncommon in this District.

6. Plaintiff does not oppose this motion to remove the case from the trial pool listing until disposition of the summary judgment motion.

WHEREFORE, for any and all of the reasons presented herein, the Court should grant this unopposed motion and enter the proposed Order removing the case from the trial pool listing until disposition of defendant's summary judgment motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raymond A. Kresge", is written over a horizontal line.

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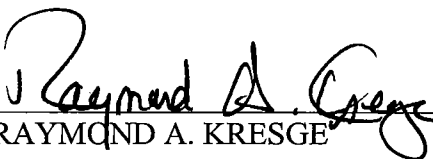
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2003, I caused to be served a true and correct copy of the foregoing Defendant's Unopposed Motion to Remove Case From A Trial Pool Listing by first-class mail postage prepaid upon plaintiff's counsel:

Hugh J. Hutchinson, Esquire  
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RAYMOND A. KRESGE